

REMARKS

[0001] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-26, 34-42, 45 and 46 are presently pending. Claims amended herein are: 1-13, 26, 34, 35, 38-42, and 45. Claims withdrawn or cancelled herein are: 27 and 28.

Formal Request for an Interview

[0003] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0004] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0005] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-13, 26, 34, 35, 38-42, and 45 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention.

[0006] The claim amendments are supported by the Application. Accordingly, no new matter will be added by this paper. Entry to the file is respectfully requested.

Formal Matters

Claims

[0007] The Examiner objects to claims 26-28 and 38-39. Herein, Applicant cancels claims 27 and 28, and amends claims 26, 38 and 39 as shown above. Accordingly, Applicant respectfully requests the objections to these claims be withdrawn.

Substantive Matters

Claim Rejections under § 112 2nd ¶

[0008] Claims 1-28, 34-42 and 45-46 are rejected under 35 U.S.C. § 112, 2nd ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant submits that this rejection is moot. Accordingly, Applicant asks the Examiner to withdraw this rejection.

Claim Rejections under § 101

[0009] Claims 1-28, 34-42 and 45-46 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn.

[0010] Independent claims 1, 13, 34, 40, and 45 are rejected for failing to produce a tangible result. Applicant amends these claims to recite “[converting non-native kernel calls into native kernel calls] without the non-native program modules/applications being modified to target a native platform running the native kernel on which the non-native program module/applications are not designed to run...” Applicant herein submits that the amendments produce a tangible result that is of practical use.

[0011] Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0012] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Dependent Claims

[0013] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0014] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, **the Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

 _____ Dated: 2008-05-07

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